IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 28209 of 2007(G)

PETITIONER:

KUNJI MOIDEEN KUTTY, AGED 42 YEARS,
S/O. MOHAMMEDALI, AINIKUNNU HOUSE,VETTICHIRA DESOM
P.O. PUNNATHALA, KURUMBATHUR VILLAGE,MALAPPURAM DT
(AGREEMENT OWNER OF THE VEHICLE KL-10/1953).

BY ADV. SRI.SHOBY K.FRANCIS

RESPONDENTS:

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1. DISTRICT COLLECTOR, MALAPPURAM.

2. REVENUE DIVISIONAL OFFICER (RDO),
TIRUR, MALAPPURAM DISTRICT.

3. SUB INSPECTOR OF POLICE,
KUTTIPPURAM POLICE STATION, KUTTIPPURAM,
MALAPPURAM DISTRICT.

BY GOVT. PLEADER SRI. I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.

W.P.(C). NO. 28209 OF 2007

Dated this the 4th day of October, 2007

J U D G M E N T

In this case, proceedings have been initiated against the petitioner on the allegation that his vehicle was involved in unauthorised transportation of river sand. The matter reached the District Collector, who in terms of the provisions contained in Rule 27 of the Rules concluded enquiry and passed Ext.P7 order. It is seen from Ext.P7 that the petitioner, who is the registered owner, was heard in the matter and he confessed his guilt.

2. Now, the learned counsel for the petitioner submits that there is no substance in the above statement. In the light of what has been stated in Ext.P7, I can only be guided by the contents thereof. That apart, the petitioner has also not produced any cogent evidence to conclude otherwise.

3. In terms of the Rules, the vehicle can be released only if the value of the vehicle and the fine amount has been remitted by the offender. In this case it is a Mini Lorry and the value fixed is Rs.80,000/-. In my view it is not disproportionate to the actual value of the vehicle and hence do not warrant interference. However, I notice that the fine amount fixed is Rs.50,000/- and this is too disproportionate to the quantity of the offence. Accordingly, the fine of Rs.50,000/- will stand reduced to Rs.25,000/-.

Subject to such modification, the writ petition is dismissed.

ANTONY DOMINIC, JUDGE

vps

ANTONY DOMINIC, JUDGE

OP NO.8556/01

JUDGMENT

18TH SEPTEMBER, 2007

CRL.R.P.769/00

ORDER IN CRL.M.P. NO.4143/00 IN CRL.R.P.769/00

DISMISSED

13.9.07 SD/- **K.R. UDAYABHANU, JUDGE**

/TRUE COPY/

PA TO JUDGE.